

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MBD # 2003-10333-DPW

EASTMAN KODAK COMPANY,
Plaintiff

V.

SUN MICROSYSTEMS, INC.,
Defendant

**ORDER ON
THE MOTION BY THE NON-PARTY, APPLIX, INC., TO QUASH THE
SUBPOENA DUCES TECUM SERVED BY SUN MICROSYSTEMS, INC.
(Docket #1)**

ALEXANDER, M.J.

The Court has considered the motion to quash and accompanying affidavit and exhibits, and finds that the non-party, Applix, Inc., reasonably establishes that the documents demanded for production pursuant to a subpoena duces tecum served by Sun Microsystems, Inc. contain trade secrets and proprietary, sensitive and/or confidential information. In the absence of any responsive opposition or a showing of substantial need for the documents by Sun Microsystems, Inc. or other interested party, the motion to quash is ALLOWED for good cause and pursuant to Fed. R. Civ. Proc. 26(b) and(c) and 45(c)(3)(A)(iii-iv) and (B)(i).

SO ORDERED.

December 18, 2003

/s/ Joyce London Alexander

United States Magistrate Judge